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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|--------------------|
| 09/894,684 | 06/27/2001 | Sheng-Chang Peng | JCLA6420-CIP | 7184 |
| 7590 | 09/02/2004 | | EXAMINER | |
| J.C. Patents Inc 4 Venture Suite 250 Irvine, CA 92618 | | | | PHAN, RAYMOND NGAN |
| | | ART UNIT | PAPER NUMBER | 2111 |

DATE MAILED: 09/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|--------------------------|------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/894,684 | SHENG-CHANG PENG |
| | Examiner Raymond Phan | Art Unit 2111 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 28 May 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 1-14 and 20-22 is/are allowed.
- 6) Claim(s) 15-19 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

Part III DETAILED ACTION

Notice to Applicant(s)

1. This action is responsive to the following communications:
amendment filed on May 28, 2004
2. This application has been examined. Claims 1-22 are pending.

Specification

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Suggested title: -- Compatible PCI bus structure that supports multiple transmission speeds, has strobe generator using either bus grant or request signal pin as an output pin for strobe signal transmission --

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 15-19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Olarig et al. (US No. 5,937,173) in view of Beukema et al. (US No. 6,185,642).

In regard to claim 15, Olarig et al. disclose method for transmitting data on a PCI bus, in a computer comprises a plurality of masters and a host bridge coupled to the PCI bus, said PCI bus having a plurality of bus request signals and a plurality of bus grant signals (see figure 6, col. 14, lines 32-

61), determining whether individual master supports the 66Mhz device or 33Mhz device on the PCI buses while starting up the computer (see figure 5A, col. 13, line 49 through col. 14, line 25); and asserting the corresponding bus request signal of individual master supporting the determined connector (see figure 5A, col. 13, line 49 through col. 14, line 61). But Olarig et al. do not specifically disclose the step of detecting the individual masters supporting a dual transmission mode. However Beukema et al. disclose the step of detecting step of detecting the individual masters supporting a dual transmission mode by the pin configurations (see col. 5, line 4 through col. 6, line 61); judging whether the corresponding master corresponding to one of the bus request signals supports the dual transmission mode according to said corresponding bus request signal (see col. 6, lines 17-61). Therefore, it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to have combined the teachings of Beukema et al. within the system of Olarig et al. because it would allow the computer system to utilize more than two of the higher data throughput (i.e. bandwidth).

In regard to claim 16, Beukema et al. disclose outputting a dual mode ID when the dual transmission mode is required (see col. 6, lines 17-61); and activating the dual transmission mode in response to the dual mode ID (see col. 6, line 17 through col. 7, line 12). Therefore, it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to have combined the teachings of Beukema et al. within the system of Olarig et al. because it would allow the computer system to utilize more than two of the higher data throughput (i.e. bandwidth).

In regard to claim 17, Beukema et al. disclose wherein the detecting step comprises: comparing a vendor's ID and a device ID of the individual master with a status list to determine whether the individual master supports the dual transmission mode (see col. 6, lines 17-61). Therefore, it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to have combined the teachings of Beukema et al. within the system of Olarig et al. because it would allow the computer system to utilize more than two of the higher data throughput (i.e. bandwidth).

In regard to claim 18, Beukema et al. disclose further comprising: programming a host bridge in response to the masters supporting the dual transmission mode (see col. 6, lines 17-61). Therefore, it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to have combined the teachings of Beukema et al. within the system of Olarig et al. because it would allow the computer system to utilize more than two of the higher data throughput (i.e. bandwidth).

In regard to claim 19, Beukema et al. disclose wherein the dual mode ID is determined in response to two least significant bits of an address signal (see col. 6, lines 17-61). Therefore, it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to have combined the teachings of Beukema et al. within the system of Olarig et al. because it would allow the computer system to utilize more than two of the higher data throughput (i.e. bandwidth).

Allowable Subject Matter

6. Claims 1-14, 20-22 are allowable over the prior of records.

Response to Arguments

7. In view of remarks filed on May 28, 2004, claims 15-19 have been fully considered but they are not deemed to be persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., uses request signal pin for judging whether the corresponding bus request signal) are not recited in the rejected claim 15. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. *In re Van Glens*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

8. Claims 15-19 are rejected. Claims 1-14, 20-22 are allowed.
9. The prior arts made of record and not relied upon are considered pertinent to applicant's disclosure.

Ejiri (US No. 6,434,643) discloses a transmission of status information by a selected one of multiple transfer modes based on the cause for sending the status information.

Buckland et al. (US No. 6,581,129) disclose a intelligent PCI/PCI-X host bridge.

Rodriguez et al. (US No. 6,453,373) disclose a method and apparatus for differential strobing.

Grosshog et al. (US No. 6,487,620) disclose a combined low speed and high speed data bus.

10. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Raymond Phan, whose telephone number is (703) 306-2756. The examiner can normally be reached on Monday-Friday from 6:30AM- 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Primary, Paul Myers can be reached on (703) 305-9656 or via e-mail addressed to paul.myers@uspto.gov. The fax phone number for this Group is (703) 872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [raymond.phan@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

RM



PAUL R. MYERS
PRIMARY EXAMINER

Raymond Phan
8/31/04